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MARTIN & FERRARO, LLP  
ATTORNEYS AT LAW  
1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632

Telephone  
(330) 877-0700

Facsimile  
(330) 877-2030

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**TO:**

Name: Mail Stop AMENDMENT  
Group Art Unit 3772/Examiner Michael Brown

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 09/497,590  
Gary Karlin Michelson

Filed: June 6, 2000

APPARATUS INCLUDING A GUARD MEMBER  
HAVING A PASSAGE WITH A NON-CIRCULAR  
CROSS SECTION FOR PROVIDING PROTECTED  
ACCESS TO THE SPINE (as amended)

Attorney Docket No. 101.0044-03000

Customer No. 22882

Confirmation No.: 7688

**FROM:**

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 2

Date: January 22, 2008

Confirmation Copy to Follow: NO

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**Message:**

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Second Status Inquiry is being facsimile transmitted to the U.S. Patent and Trademark Office on January 22, 2008.



Sandra L. Blackmon

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PATENT  
Attorney Docket No. 101.0044-03000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.: 7688  
Gary Karlin Michelson )  
Serial No.: 09/497,590 ) Group Art Unit: 3772  
Filed: June 6, 2000 ) Examiner: Michael Brown  
For: APPARATUS INCLUDING A GUARD)  
MEMBER HAVING A PASSAGE )  
WITH A NON-CIRCULAR CROSS )  
SECTION FOR PROVIDING )  
PROTECTED ACCESS TO THE )  
SPINE (as amended) )

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Commissioner for Patents  
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Sir:

**SECOND STATUS INQUIRY**

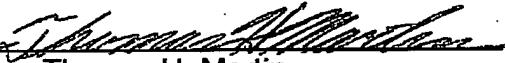
Further to the October 31, 2007 Status Inquiry, Applicant filed a Reply on June 4, 2007 to the May 23, 2007 Notice of Non-Compliant Amendment with respect to the above-identified application. To date, the undersigned has yet to receive a further communication from the Examiner. Please advise the undersigned on the current status of the above-identified application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 22, 2008

By:   
Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030